

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FARMERS INSURANCE EXCHANGE,)
TRUCK INSURANCE EXCHANGE, FIRE)
INSURANCE EXCHANGE, MID-CENTURY)
INSURANCE COMPANY, and FARMERS)
NEW WORLD LIFE INSURANCE)
COMPANY,)

Plaintiffs,)

vs.)

GANON VAN DYKE,)

Defendant.)

CASE NO. 8:17cv261

ORDER

This matter is before the Court on Plaintiffs' Unopposed Motion for Protective Order and Order on Plaintiffs' Request for Injunctive Relief. ([Filing No. 28.](#)) To facilitate settlement discussions, and upon the representation that the motion is unopposed,

IT IS ORDERED:

1. Defendant Gannon Van Dyke and all persons or entities under his direction or control shall conduct a good faith search for any "Farmers Information." "Farmers Information" means Farmers' manuals, lists and records of any kind, including information pertaining to Farmers' policyholders and expirations, information printed off of or downloaded from eCMS, the Agency Dashboard, SIMS, or from www.farmers.com, and mailing, phone, and email lists or address labels of Farmers' customers. Defendant will deliver the same to counsel for Farmers by 5:00 p.m. on **December 14, 2017**.

2. Defendant shall provide an affidavit to Plaintiffs' counsel certifying that Defendant, his employees and agents, and all persons or entities under their direction or control have complied with the terms of paragraph 1 of this Order.

3. The Court has concurrently entered an Agreed Protective Order that will govern the production of documents and information in this case, including electronically stored information (“ESI”). At a reasonable time agreed to by the parties within 21 days of this Order, Defendant shall provide Farmers’ forensic computer expert, D4 LLC (“Expert”) with access to Defendant’s ESI so that the Expert can create forensic images of the ESI for analysis in this action. Plaintiffs will cooperate with the Defendant to schedule the Expert’s work to minimize disruption of the Defendant’s business. Following the forensic examination, the Expert shall provide a report to counsel for the Plaintiffs and the Defendant identifying any electronic files containing Farmers Information. If Defendant agrees that the files contain Farmers Information, the Defendants will remove the files. If Defendants do not agree that the files contain Farmers Information, the parties shall attempt in good faith to resolve their dispute. If the parties cannot resolve their dispute, Farmers may then petition the Court for an Order compelling the Defendants to delete the disputed files.

4. On or before **December 14, 2017**, Plaintiffs will provide Defendant with a list of names of any policyholder that was the subject of any telephone call that Farmers alleges was made by Defendant. If appropriate, Plaintiffs or Defendant may designate documents or information as confidential under the Protective Order.

5. On or before **December 14, 2017**, Defendant will produce to counsel for Farmers all commission statements Defendant has received from any insurance company for policies in any lines of insurance offered by Farmers. If appropriate, Defendant may designate documents or information as confidential under the Protective Order.

6. Progression of this matter is held in abeyance so that the parties may conduct settlement discussions. On or before **January 16, 2018**, the parties shall file a joint status report advising the Court as to the progress of settlement discussions.

DATED this 13th day of December, 2017.

BY THE COURT:

S/Susan M. Bazis
United States Magistrate Judge